

Summary of Reasons Supporting the Adoption of the Proposed Amendments to the Alabama Department of Environmental Management's Administrative Code for Division 8 (Field Operations Division)

Revisions to the Division 8 Code are being proposed to make them consistent with Federal Regulations. This will be accomplished by making a Routine Program Change (RPC) and Regulation revisions.

On December 29, 2010 ADEM provided Notice of Routine Program Change of the Alabama Coastal Area Management Program (ACAMP) to NOAA's Office of Ocean and Coastal Management (OCRM).

ADEM will give notice on November 20, 2011 that on April 14, 2011, NOAA's Office of Ocean and Coastal Management concurred with ADEM that the revision of ADEM's Division 8 Regulations constitutes an RPC. Federal consistency will apply to the approved changes after publication of the November 20, 2011 Public Notice.

NOAA has approved a majority of the changes within the ADEM Division 8 Regulations as enforceable policies of the ACAMP. However, NOAA has not approved the federal consistency timeframes within ADEM Division 8 Regulations because they are not entirely consistent with the CZMA regulations. OCRM has determined that its decision not to approve the federal consistency timeframes of the Division 8 Regulations does not impact the State's authority to conduct federal consistency reviews but because the federal consistency language discrepancy is confusing, ADEM Division 8 Regulations should be modified to be consistent with the existing federal statutory and regulatory timeframes.

ADEM proposes to modify ADEM. Code R. 335-8-1-.09 and 335-8-1-.10 regulations to be consistent with the existing federal statutory and regulatory timeframe.

Revisions will be made to ADEM Admin. Code R. 335-8-1-.09 and 335-8-1-.10.